

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

TOWN OF FLORENCE, a political
subdivision of the State of Arizona;
SWVP-GTIS MR, LLC, a Delaware
Limited Liability Company,

Petitioners,

vs.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, SCOTT PRUITT,
administrator, United States
Environmental Protection Agency,
ALEXIS STRAUSS, Acting Regional
Administrator, United States
Environmental Protection Agency
Region 9,

Respondents.

Docket No. _____

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 300j-7(a), 5 U.S.C. § 704, and Rule 15 of the Federal Rules of Appellate Procedure, Petitioners, the Town of Florence and SWVP-GTIS MR, LLC (collectively “Petitioners”) hereby petition the Court for review of the U.S. Environmental Protection Agency’s final agency action regarding a Class III Underground Injection Control (“UIC”) Permit, No. R9UIC-AZ3-FY11-1 (“Permit”), originally issued by EPA Region 9 to Florence Copper Inc. on December 20, 2016 for an In-Situ Copper Production Test Facility (“PTF”), and appealed by the Petitioners. On September 22, 2017, the Environmental Appeals Board rejected Petitioners’ petition for review of the Permit. By letter dated September 29, 2017, with an issuance date of October 13, 2017, Region 9 issued its Notice of Final Permit Decision, a copy of which is attached as Exhibit 1.

DATED: November 22, 2017

s/ Jessica L. Beckwith

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s/ Barbara U. Rodriguez-Pashkowski

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Florence

CERTIFICATE OF SERVICE

On November 22, 2017, pursuant to Rules 3(d) and 15(c)(1) of the Federal Rules of Appellate Procedure, a copy of the foregoing was mailed by First Class Mail, postage prepaid to the following persons who were admitted to participate in the agency proceedings:

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Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, the Circuit Clerk will cause, on November 22, 2017 a copy of the Petition for Review to be served on each of the following:

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s/ Jessica L. Beckwith

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EXHIBIT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

NOTICE OF FINAL PERMIT DECISION

**Final Permit Decision for Class III In-Situ Production of Copper
Permit No. R9UIC-AZ3-FY11-1
For the Florence Copper Production Test Facility**

Issuance Date: October 13, 2017

In accordance with the requirements of the Code of Federal Regulations (C.F.R.), Title 40 § 124.19(l), the United States Environmental Protection Agency, Region 9 (EPA) is issuing the final Class III Underground Injection Control (UIC) Permit, No. R9UIC-AZ3-FY11-1, to Florence Copper, Inc. for an In-Situ Copper Production Test Facility (PTF). The final UIC Permit and a copy of this notice is available on EPA's web page at <https://www.epa.gov/uic/uic-permit-materials-florence-copper-inc>.

This Permit was originally issued on December 20, 2016, and was subsequently appealed to the Environmental Appeals Board (EAB) for review under 40 C.F.R. § 124.19. The Permit was stayed pending review by the EAB. After review of briefs filed in the appeal and oral argument, the EAB issued an order denying the petitions for review of the Permit on September 22, 2017.

The issuance date of the final UIC Permit is two weeks after the date this notice is signed, per 40 C.F.R. § 23.7. This issuance date operates as the final agency action for purposes of judicial review under 42 U.S.C. § 300j-7 and 5 U.S.C. § 704. Pursuant to 40 C.F.R. § 144.39, EPA is concurrently revoking the existing Class III Permit no. AZ396000001.

Signed,

A handwritten signature in cursive script, reading "Alexis Strauss", is written over a horizontal line.

Alexis Strauss
Acting Regional Administrator

A handwritten date "29 September 2017" is written in cursive script over a horizontal line.

Date